

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PEGGY DUNN, et al.,

Plaintiffs,

vs.

JOHNSON & JOHNSON, et al.,

Defendants.

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Case No. 4:14-cv-01953-JAR

MEMORANDUM AND ORDER

This matter is before the Court on Defendants Johnson & Johnson and Johnson & Johnson Consumer Companies, Inc.'s (collectively, the "Johnson & Johnson Defendants") Notice of Withdrawal of Notice of Removal (Doc. 16). The Johnson & Johnson Defendants removed the above-captioned case on November 21, 2014, under this Court's diversity jurisdiction pursuant to the procedural misjoinder doctrine. Plaintiffs thereafter filed a Motion to Remand (Doc. 7) asserting that the Court lacks subject matter jurisdiction because complete diversity does not exist. The Johnson & Johnson Defendants then filed a Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue (Doc. 10) requesting the Court dismiss the non-Missouri Plaintiffs' claims for lack of personal jurisdiction, and a Motion to Dismiss Plaintiffs' Conspiracy and "Concert of Action" Claims (Doc. 12) requesting the Court dismiss Plaintiffs' Conspiracy and "Concert of Action" Claims pursuant to Rule 12(b)(6). Plaintiffs subsequently filed a Motion to Stay or, in the Alternative, for Leave to Initiate Discovery on the Issue of Personal Jurisdiction (Doc. 14).

The Johnson & Johnson Defendants now seek to withdraw their notice of removal in an effort to promote judicial efficiency in light of the Court's decision to remand a similar case before Judge Charles A. Shaw, *Swann v. Johnson & Johnson*, No. 4:14-CV-01546-CAS (E.D. Mo.). Additionally, the Court presumes Plaintiffs consent to the Notice in light of their Motion to Remand despite the Johnson & Johnson Defendants inability to obtain the consent of Plaintiffs prior to the filing of the notice.

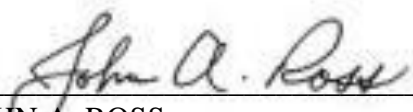
Upon review of the Record before the Court and in light of the Motion to Withdraw the Notice of Removal,

IT IS HEREBY ORDERED that the Court acknowledges Defendants Johnson & Johnson and Johnson & Johnson Consumer Companies, Inc.'s Notice of Withdrawal of Notice of Removal (Doc. 16). Defendants' Notice of Removal is **WITHDRAWN** and this case is **REMANDED** to the Twenty-Second Judicial Circuit, St. Louis City, Missouri, from which it was removed.

IT IS FURTHER ORDERED that the Johnson & Johnson Defendants' Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue (Doc. 10) and Motion to Dismiss Plaintiffs' Conspiracy and "Concert of Action" Claims (Doc. 12) are **DENIED as moot**.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Remand (Doc. 7) and Motion to Stay or, in the Alternative, for Leave to Initiate Discovery on the Issue of Personal Jurisdiction (Doc. 14) are **DENIED as moot**.

Dated this 10th day of December, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE